

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JILL DILLARD, JESSA SEEWALD
JINGER VUOLO, and JOY DUGGAR

PLAINTIFFS

vs.

CASE NO. 5:17-5089-TLB

CITY OF SPRINGDALE, *et al.*

DEFENDANTS

**REPLY TO DEFENDANTS' RESPONSE TO MOTION FILED BY ARKANSAS
DEPARTMENT OF HUMAN SERVICES TO QUASH SUBPOENA DUCES TECUM**

Comes now the Arkansas Department of Human Services ("DHS"), by and through the undersigned attorney, and for its Reply to Defendants' Response to its Motion to Quash Subpoena Duces Tecum, states:

DHS was served with the Subpoena Duces Tecum on August 2, 2021 and filed its Motion to Quash the Subpoena Duces Tecum on August 16, 2021. An objection to the Subpoena Duces Tecum must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. Fed. R. Civ. P. 45(d)(2)(B). DHS objected 14 days after service of the Subpoena Duces Tecum and Defendants were not prejudiced by the timeliness of DHS's objection.

Defendants argue that State law is preempted by Federal law. The problem with Defendants' argument is that there is no conflict in this matter between the State's confidentiality laws and the Federal Rules of Civil Procedure. Fed. R. Civ. P. 45(3)(A)(iii) allows the State to file a Motion to Quash a Subpoena Duces Tecum that requires disclosure of privileged or other protected matter, if no exception or waiver exists.

Finally, Defendants state that there is a Protective Order in this case that will adequately protect any privileged information and documentation received from DHS. The Protective Order merely protects released information and documentation from redisclosure but does not authorize DHS to release confidential information in the first place.

WHEREFORE, the Arkansas Department of Human Services moves that this Court quash the Subpoena Duces Tecum for the reasons stated.

Respectfully submitted,

Arkansas Department of Human Services
Office of Chief Counsel

By: /s/ Skye Martin
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CERTIFICATE OF SERVICE

I, Skye Martin, Attorney for the Arkansas Department of Human Services, do hereby certify that on this 1st day of September, 2021, I electronically filed the above Reply to Response to Motion to Quash using the CM/ECF System which shall send notification of such filing to all counsel of record.

/s/ Skye Martin
Skye Martin, Ark. Bar No. 2012161